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09/555,709	07/19/2000	ANDREAS FERENCZ	H2933/3578UA	9120

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EXAMINER

SHORT, PATRICIA A

ART UNIT PAPER NUMBER

17:2

DATE MAILED: 02/15/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No. 09/555 909	Applicant(s) Furucz et al
Examiner Shurt	Group Art Unit 1712

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

### Status

- Responsive to communication(s) filed on January 16, 2002.
- This action is FINAL.
- Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

- Claim(s) 1, 19-37 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- Claim(s) \_\_\_\_\_ is/are allowed.
- Claim(s) 1, 19, 20, 22-37 is/are rejected.
- Claim(s) 21 is/are objected to.
- Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

### Application Papers

- See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.
- The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- The specification is objected to by the Examiner.
- The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119 (a)-(d)

- Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - All  Some\*  None of the CERTIFIED copies of the priority documents have been received.
  - received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
  - received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

### Attachment(s)

- Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- Notice of Reference(s) Cited, PTO-892
- Notice of Draftsperson's Patent Drawing Review, PTO-948
- Interview Summary, PTO-413
- Notice of Informal Patent Application, PTO-152
- Other \_\_\_\_\_

Office Action Summary

Art Unit: 1712

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 19, 20 and 22-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP '177 alone or in view of Widder. Ep '177 teaches a biodegradable adhesive comprising a high molecular weight polyester that can be amorphous, a non-crystalline sucrose benzoate and optionally a plasticizer that can be a low molecular weight liquid polyester. See page 1, line 46 through page 2, line 57 and page 3, lines 4-12 and lines 17-20. Molecular weights above 8000 for the high molecular weight polyester are taught at page 1, last line, and amorphous polyesters are taught at page 2, lines 1, 52 and 56. Amorphous polyesters would be expected to have an enthalpy of fusion of less than 20 mJ/mg. See the specification at page 4 and cited reference WO '144 at page 8, lines 13-23. As liquid polyester plasticizers generally have molecular weights below 10,000, use of a commercially available liquid polyester plasticizer with a molecular weight below 8,000 for its intended purpose of plasticizing the composition would have been obvious. The adhesives can be used to bond flexible film to non-woven polyolefin. See page 4, lines 6-10. From the teachings of EP '177, it would have been obvious to blend a amorphous high molecular weight polyester having an enthalpy of fusion of at most 20mJ/mg and a molecular weight above 8000 with a low molecular weight sucrose benzoate and low molecular weight liquid polyester having a Tg of at most 60° C and a molecular weight below 8000 in order to obtain a biodegradable adhesive having good adhesion and flexibility for use in bonding flexible film to nonwoven polyolefin. Optimizing viscosity and softening temperature for application of the adhesive would have been obvious to one of ordinary skill in the art.

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Alternatively, Widder teaches that polyester plasticizers can be prepared from aliphatic acids, aromatic acids and mixtures thereof and have molecular weights of about 500 to 8000. See col. 3, line 55 through col. 4, line 33. In view of Widder, it would have been obvious to use a liquid polyester plasticizer having a molecular weight of less than 8,000, optionally prepared from a mixture of aromatic and aliphatic acids, for its intended purpose as a plasticizer in the compositions of EP '177.

In the previous office action, claim 22 was indicated as allowable which was an error. The claim that should have been indicated as allowable is claim 21. EP '177 does not suggest a high molecular weight amorphous polyester prepared from a combination of o-phthalic acid, isophthalic acid or terephthalic acid and adipic acid or sebacic acid and a glycol as required in claim 21.

Claim 21 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

P. Short

February 12, 2002

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